

AMENDED IN ASSEMBLY AUGUST 22, 2006

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 29, 2006

AMENDED IN ASSEMBLY JUNE 22, 2006

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AMENDED IN SENATE APRIL 26, 2006

AMENDED IN SENATE MARCH 30, 2006

## **SENATE BILL**

**No. 1670**

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**Introduced by Senator Aanestad**

February 24, 2006

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An act to amend Section 114870 of the Health and Safety Code, relating to radiologic technology.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1670, as amended, Aanestad. Radiologic technology.

Existing law requires the State Department of Health Services to adopt regulations for the granting, with certain exceptions, of radiologic technology certificates to persons to perform procedures or applications of X-rays without limitation, except as specified by law, and of limited permits to persons to conduct radiologic technology limited to the performance of certain procedures or the application of X-rays to specific areas of the human body, and to prescribe minimum training, experience, and examination standards and procedures. Violation of these provisions is a crime. Existing law requires the department to appoint a certification committee to make recommendations pertaining to these regulations.

This bill would require the department to provide, upon recommendation of the committee, that a radiologic technologist who operates digital radiography equipment devote continuing education credit hours to digital radiologic technology. This bill would also authorize *specified* limited permitholders ~~employed in a setting other than a general acute care hospital, as defined,~~ with at least ~~15~~ 20 hours of instruction in digital *radiologic* technology, to perform digital radiography. The bill would require the department to provide, upon recommendation of the committee, that a limited permit X-ray technician who has completed this education also devote continuing education credit hours to additional instruction in digital radiologic technology. It would also require that an applicant for approval as a limited permit X-ray technician, ~~except~~ as specified, have at least 50 hours of formal classroom education in radiological protection and safety.

By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 114870 of the Health and Safety Code  
2     is amended to read:  
3     114870. The department shall do all of the following:  
4     (a) Upon recommendation of the committee, adopt regulations  
5     as may be necessary to accomplish the purposes of this chapter.  
6     (b) (1) Provide for certification of radiologic technologists,  
7     without limitation as to procedures or areas of application, except  
8     as provided in Section 106980. Separate certificates shall be  
9     provided for diagnostic radiologic technology, for  
10    mammographic radiologic technology, and for therapeutic  
11    radiologic technology. If a person has received accreditation to  
12    perform mammography from a private accreditation

1 organization, the department shall consider this accreditation  
2 when deciding to issue a mammographic radiologic technology  
3 certificate.

4 (2) Provide, upon recommendation of the committee, that a  
5 radiologic technologist who operates digital radiography  
6 equipment devote a portion of his or her continuing education  
7 credit hours to continuing education in digital radiologic  
8 technology.

9 (c) (1) (A) Provide, as may be deemed appropriate, for  
10 granting limited permits to persons to conduct radiologic  
11 technology limited to the performance of certain procedures or  
12 the application of X-rays to specific areas of the human body,  
13 except for mammography, prescribe minimum standards of  
14 training and experience for these persons, and prescribe  
15 procedures for examining applicants for limited permits. The  
16 minimum standards shall include a requirement that persons  
17 granted limited permits under this subdivision shall meet those  
18 fundamental requirements in basic radiological health training  
19 and knowledge similar to those required for persons certified  
20 under subdivision (b) as the department determines are  
21 reasonably necessary for the protection of the health and safety  
22 of the public.

23 (B) ~~Provide that an applicant for approval as a limited~~  
24 ~~permit X-ray technician in the categories of chest radiography,~~  
25 ~~extremities radiography, gastrointestinal radiography,~~  
26 ~~genitourinary radiography, leg-podiatric radiography, skull~~  
27 ~~radiography, and torso-skeletal radiography, as these categories~~  
28 ~~are defined in Section 30443 of Title 17 of the California Code of~~  
29 ~~Regulations, shall have at least 50 hours of formal classroom~~  
30 ~~education in radiological protection and safety. However, this~~  
31 ~~requirement for 50 hours of formal classroom education in~~  
32 ~~radiological protection and safety shall not apply to applicants~~  
33 ~~seeking certification solely in X-ray bone densitometry or~~  
34 ~~dermatology X-ray therapy, who shall instead meet education~~  
35 ~~requirements that are determined by the department. The~~  
36 ~~department may allocate these hours as it deems appropriate.~~

37 (2) Provide that a limited permit X-ray technician employed in  
38 any facility, clinic, unlicensed clinic, center, office, or other  
39 setting that is not part of a general acute care facility, as defined  
40 in Section 1250, may also perform digital radiography if he or

1 ~~she has completed 15 hours or more of initial instruction in~~  
2 ~~digital radiologic technology approved by the department. in the~~  
3 ~~categories of chest radiography, extremities radiography,~~  
4 ~~gastrointestinal radiography, genitourinary radiography,~~  
5 ~~leg-podiatric radiography, skull radiography, and torso-skeletal~~  
6 ~~radiography, as these categories are defined in Section 30443 of~~  
7 ~~Title 17 of the California Code of Regulations, may perform~~  
8 ~~digital radiography within their respective scopes of practice~~  
9 ~~after completion of 20 hours or more of instruction in digital~~  
10 ~~radiologic technology approved by the department. This~~  
11 ~~requirement shall not be construed to preclude limited permit~~  
12 ~~X-ray technicians in the categories of dental laboratory~~  
13 ~~radiography and X-ray bone densitometry from performing~~  
14 ~~digital radiography upon meeting the educational requirements~~  
15 ~~determined by the department.~~

16 (3) Provide, upon recommendation of the committee, that a  
17 limited permit ~~x-ray~~ X-ray technician who has completed the  
18 initial instruction described in paragraph (2) devote a portion of  
19 his or her required continuing education credit hours to additional  
20 continuing instruction in digital radiologic technology.

21 (d) Provide for the approval of schools for radiologic  
22 technologists.

23 (e) Provide, upon recommendation of the committee, for  
24 certification of licentiates of the healing arts to supervise the  
25 operation of X-ray machines or to operate X-ray machines, or  
26 both, prescribe minimum standards of training and experience for  
27 these licentiates of the healing arts, and prescribe procedures for  
28 examining applicants for certification. This certification may  
29 limit the use of X-rays to certain X-ray procedures and the  
30 application of X-rays to specific areas of the human body.

31 (f) (1) Provide for certification of any physician and surgeon  
32 to operate, and supervise the operation of, a bone densitometer, if  
33 that physician and surgeon provides the department a certificate  
34 that evidences training in the use of a bone densitometer by a  
35 representative of a bone densitometer machine manufacturer, or  
36 through any radiologic technology school. The certification shall  
37 be valid for the particular bone densitometer the physician and  
38 surgeon was trained to use, and for any other bone densitometer  
39 that meets all of the criteria specified in subparagraphs (A) to  
40 (C), inclusive, if the physician and surgeon has completed

1 training, as specified in subparagraph (A) of paragraph (2), for  
2 the use of that bone densitometer. The physician and surgeon  
3 shall, upon request of the department, provide evidence of  
4 training, pursuant to subparagraph (A) of paragraph (2), for the  
5 use of any bone densitometer used by the physician and surgeon.  
6 The activity covered by the certificate shall be limited to the use  
7 of an X-ray bone densitometer to which all of the following is  
8 applicable:

9 (A) The bone densitometer does not require user intervention  
10 for calibration.

11 (B) The bone densitometer does not provide an image for  
12 diagnosis.

13 (C) The bone densitometer is used only to estimate bone  
14 density of the heel, wrist, or finger of the patient.

15 (2) The certificate shall be accompanied by a copy of the  
16 curriculum covered by the manufacturer's representative or  
17 radiologic technology school. The curriculum shall include, at a  
18 minimum, instruction in all of the following areas:

19 (A) Procedures for operation of the bone densitometer by the  
20 physician and surgeon, and for the supervision of the operation of  
21 the bone densitometer by other persons, including procedures for  
22 quality assurance of the bone densitometer.

23 (B) Proper radiation protection of the operator, the patient, and  
24 third parties in proximity to the bone densitometer.

25 (C) Provisions of Article 5 (commencing with Section  
26 106955) of Chapter 4 of Part 1 of Division 104.

27 (D) Provisions of Chapter 6 (commencing with Section  
28 114840) of Part 9 of Division 104.

29 (E) Provisions of Group 1 (commencing with Section 30100)  
30 of Subchapter 4 of Chapter 5 of Division 1 of Title 17 of the  
31 California Code of Regulations.

32 (F) Provisions of Group 1.5 (commencing with Section 30108)  
33 of Subchapter 4 of Chapter 5 of Division 1 of Title 17 of the  
34 California Code of Regulations.

35 (G) Provisions of Article 1 (commencing with Section 30250)  
36 of Group 3 of Subchapter 4 of Chapter 5 of Division 1 of Title 17  
37 of the California Code of Regulations.

38 (H) Provisions of Article 2 (commencing with Section 30254)  
39 of Group 3 of Subchapter 4 of Chapter 5 of Division 1 of Title 17  
40 of the California Code of Regulations.

1 (I) Provisions of Article 3 (commencing with Section 30265)  
2 of Group 3 of Subchapter 4 of Chapter 5 of Division 1 of Title 17  
3 of the California Code of Regulations.

4 (J) Provisions of Article 4 (commencing with Section 30305)  
5 of Group 3 of Subchapter 4 of Chapter 5 of Division 1 of Title 17  
6 of the California Code of Regulations.

7 (K) Provisions of Subchapter 4.5 (commencing with Section  
8 30400) of Chapter 5 of Division 1 of Title 17 of the California  
9 Code of Regulations.

10 (3) (A) Notwithstanding any other provision of law, this  
11 subdivision shall constitute all the requirements that must be met  
12 by a physician and surgeon in order to operate, and supervise the  
13 operation of, a bone densitometer. The department may adopt  
14 regulations consistent with this section in order to administer the  
15 certification requirements.

16 (B) No person may be supervised by a physician and surgeon  
17 in the use of a bone densitometer unless that person possesses the  
18 necessary license or permit required by the department.

19 (C) Nothing in this subdivision shall affect the requirements  
20 imposed by the committee or the department for the registration  
21 of a bone densitometer machine, or for the inspection of facilities  
22 in which any bone densitometer machine is operated.

23 (D) This subdivision shall not apply to a licentiate of the  
24 healing arts who is certified pursuant to subdivision (e) or  
25 pursuant to Section 107111.

26 (E) The department shall charge a fee for a certificate issued  
27 pursuant to this subdivision to the extent necessary to administer  
28 certification. The fee shall be in an amount sufficient to cover the  
29 department's costs of implementing this subdivision and shall not  
30 exceed the fee for certification to operate or supervise the  
31 operation of an X-ray machine pursuant to subdivision (e). The  
32 fees collected pursuant to this subparagraph shall be deposited  
33 into the Radiation Control Fund established pursuant to Section  
34 114980.

35 (g) Upon recommendation of the committee, exempt from  
36 certification requirements those licentiates of the healing arts  
37 who have successfully completed formal courses in schools  
38 certified by the department and who have successfully passed a  
39 roentgenology technology and radiation protection examination

1 approved by the department and administered by the board that  
2 issued his or her license.

3 SEC. 2. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the  
8 penalty for a crime or infraction, within the meaning of Section  
9 17556 of the Government Code, or changes the definition of a  
10 crime within the meaning of Section 6 of Article XIII B of the  
11 California Constitution.